

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Misc. Writ Petition No. 1540 (M/S) of 2001
(Old No.36578 of 1999)

State of U.P. through Executive
Engineer, Khara Pariyojna Nirman
Khand-I, Badshahi Bagh, Saharanpur
and two others.

... Petitioners

Versus

The Presiding Officer, Labour
Court, Dehradun and another.

... Respondents.

.....

Hon'ble P.C. Verma, J

Heard the learned Standing counsel for the
petitioners and learned counsel for respondent No.2.

This petition has been filed by the petitioners
challenging the award dated 17.12.1998, whereby the Labour
Court held that the termination of services of respondents No.2-
Virendra Singh Beldar from 01.11.1989 was illegal and
improper and directed the petitioners to reinstate the
workman/respondent No.2 in service. The Labour Court
further held that keeping in view the excessive delay in filing
the reference, the workman is not entitled for back wages.

The learned counsel for the petitioners submitted
that the reference was highly belated and on this ground the
award was liable to be dismissed. He further submitted that
the respondent No.2 has not completed 240 days in one
calendar year and as such the provisions of Sec. 6-N of the
U.P.Industrial Disputes Act are not applicable in the case of
respondent No.2.

The case of the respondent No.2 is that he worked
as Beldar from 01.11.1988 to 31.10.1989 with the employer-
establishment on daily wages but on 01.11.1989 his services
were terminated without giving prior notice to him and without
complying the provisions of Section 6-N of the U.P.Industrial
Disputes Act.

The Labour Court found that the respondent No.2 had worked 26d days in each month from December 1988 to October 1989 and the respondent No.2 was entitled to get the benefit of provisions of Sec. 6-N of the U.P. Industrial Disputes Act.

I have perused the order passed by the Labour Court. The order does not suffer from any infirmity. The Labour Court has rightly recorded the finding that workman had completed 240 days and his service were terminated without complying the provisions of Sec.6-N of the U.P. Industrial Disputes Act and has rightly refused the back wages in view of delay of reference.

The writ petition is dismissed being devoid of merits. No order as to costs.

(P.C. Verma,J.)

23.09.2003

P.Singh